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April 29, 2016

**VIA CERTIFIED MAIL**

George Emmerson, President  
Sierra Pacific Industries, Inc.  
19794 Riverside Avenue  
Anderson, CA 96007

James Nevers, Plant Manager  
Sierra Pacific Industries, Inc.  
Red Bluff Windows  
11605 Reading Road  
Red Bluff, CA 96080

David H. Dun, Agent for Service of Process  
Sierra Pacific Industries, Inc.  
2313 I Street  
Eureka, CA 95501

**RE: NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT UNDER THE  
FEDERAL WATER POLLUTION CONTROL ACT ("CLEAN WATER ACT")  
(33 U.S.C. §§ 1251 *et seq.*)**

Dear Mr. Emmerson and Mr. Nevers,

This firm represents Battle Creek Alliance ("the Alliance"), a California non-profit association, in regard to violations of the Clean Water Act ("CWA" or "the Act") occurring at Sierra Pacific Industries, Inc.'s Red Bluff Windows Facility (the "Facility"). This letter is being sent to you as the responsible owners, officers, and/or operators of the Facility. Unless otherwise noted, Sierra Pacific Industries, Inc., shall hereinafter be collectively referred to as "SPI," and George Emmerson and James Nevers shall hereinafter be collectively referred to as the "Owners/Operators." The Alliance is a non-profit association dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of California waters, including the waters into which SPI discharges polluted storm water.

SPI is in ongoing violation of the substantive and procedural requirements of the CWA, 33 U.S.C. § 1251 *et seq.* and California's General Industrial Storm Water Permit, National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 ("General Permit"), Water Quality Order No. 97-03-DWQ ("1997 General Permit"), as superseded by Order No. 2015-0057-DWQ ("2015 General Permit").<sup>1</sup>

On July 1, 2015 the 2015 General Permit went into effect, superseding the 1997 General Permit that was operative between 1997 and June 30, 2015. The 2015 General Permit includes many of the same fundamental requirements and implements many of the same statutory requirements as the 1997 General Permit. Violation of both the 1997 and 2015 General Permit

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<sup>1</sup> SPI submitted a NOI to comply with the General Permit for the Facility on or about June 10, 2015.

provisions is enforceable under the law. 2015 General Permit, Finding A.6.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects SPI to a penalty of up to \$37,500 per day, per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violation and Intent to File Suit. In addition to civil penalties, the Alliance will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) of the Act (33 U.S.C. §§ 1365(a), (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees including attorneys' fees.

The CWA requires that sixty (60) days prior to the initiation of a citizen-enforcement action under Section 505(a) of the Act (33 U.S.C. § 1365(a)), a citizen enforcer must give notice of its intent to file suit. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency, and the Chief Administrative Officer of the water pollution control agency for the State in which the violations occur. *See* 40 C.F.R. 135.2.

As required by the Act, this letter provides statutory notice of the violations that have occurred, and continue to occur, at the Facility. 40 C.F.R. § 135.3(a). At the expiration of sixty (60) days from the date of this letter, the Alliance intends to file suit under Section 505(a) of the Act (33 U.S.C. § 1365(a)) in federal court against Sierra Pacific Industries, Inc. for violations of the Act and Permit.

## **I. Background**

### **A. The Clean Water Act**

Congress enacted the CWA in 1972 in order to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251. The Act prohibits the discharge of pollutants into United States waters except as authorized by the statute. 33 U.S.C. § 1311; *San Francisco Baykeeper, Inc. v. Tosco Corp.*, 309 F.3d 1153, 1156 (9th Cir. 2002). The Act is administered largely through the NPDES permit program. 33 U.S.C. § 1342. In 1987, the Act was amended to establish a framework for regulating storm water discharges through the NPDES system. Water Quality Act of 1987, Pub. L. 100-4, § 405, 101 Stat. 7, 69 (1987) (codified at 33 U.S.C. § 1342(p)); *see also Env’tl. Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 840-41 (9th Cir. 2003) (describing the problem of storm water runoff and summarizing the Clean Water Act’s permitting scheme). The discharge of pollutants without an NPDES permit, or in violation of an NPDES permit, is illegal. *Ecological Rights Found. v. Pac. Lumber Co.*, 230 F.3d 1141, 1145 (9th Cir. 2000).

Much of the responsibility for administering the NPDES permitting system has been delegated to the states. *See* 33 U.S.C. § 1342(b); *see also* Cal. Water Code § 13370 (expressing California’s intent to implement its own NPDES permit program). The CWA authorizes states with approved NPDES permit programs to regulate industrial storm water discharges through

individual permits issued to dischargers, as well as through the issuance of a single, statewide general permit applicable to all industrial storm water dischargers. 33 U.S.C. § 1342(b). Pursuant to Section 402 of the Act, the Administrator of EPA has authorized California's State Board to issue individual and general NPDES permits in California. 33 U.S.C. § 1342.

**B. California's General Permit for Storm Water Discharges Associated with Industrial Activities**

Between 1997 and June 30, 2015, the General Permit in effect was Order No. 97-03-DWQ, which the Alliance refers to as the "1997 General Permit." On July 1, 2015, pursuant to Order No. 2015-0057-DWQ the General Permit was reissued, including many of the same fundamental terms as the prior permit. For purposes of this notice letter, the Alliance refers to the reissued permit as the "2015 General Permit." The 2015 General Permit rescinded in whole the 1997 General Permit, except for the expired permit's requirement that annual reports be submitted by July 1, 2015, and for purposes of CWA enforcement. 2015 General Permit, Finding A.6.

Facilities discharging, or having the potential to discharge, storm water associated with industrial activities that have not obtained an individual NPDES permit must apply for coverage under the General Permit by filing a Notice of Intent to Comply ("NOI"). 1997 General Permit, Provision E.1; 2015 General Permit, Standard Condition XXI.A. Facilities must file their NOIs before the initiation of industrial operations. *Id.*

Facilities must strictly comply with all of the terms and conditions of the General Permit. A violation of the General Permit is a violation of the CWA.

The General Permit contains three primary and interrelated categories of requirements: (1) discharge prohibitions, receiving water limitations and effluent limitations; (2) Storm Water Pollution Prevention Plan ("SWPPP") requirements; and (3) self-monitoring and reporting requirements.

**C. SPI's Red Bluff Windows Facility**

SPI's primary industrial activities at the approximately 40-acre millwork facility include window and door manufacturing, rolling stock maintenance, truck maintenance and fueling, product unloading and shipping, hazardous material storage, and storage of spare equipment and materials in a boneyard. The industrial activities of the Facility fall under Standard Industrial Classification ("SIC") Code 2431 – Millwork, Veneer, Plywood.

SPI collects and discharges storm water associated with industrial activities through at least five (5) discharge locations as identified in the Facility's SWPPP. These discharges enter storm water conveyances, which ultimately drain to the Sacramento River and the Sacramento-San Joaquin Bay Delta ("the Delta"). The Delta, the Sacramento River, and the waterways that receive storm water discharge from the Facility are all waters of the United States within the



meaning of the CWA.

The General Permit requires SPI to analyze storm water samples for TSS, pH, and Oil and Grease. 1997 General Permit, Section B.5.c.i; 2015 General Permit, Section XI.B.6. Facilities under SIC Code 2431 must also analyze storm water samples for chemical oxygen demand (“COD”). 1997 General Permit, Tables 1-2; 2015 General Permit Tables 1-2.

## **II. SPI’s Violations of the Act and General Permit**

Based on its review of available public documents, the Alliance is informed and believes that SPI is in ongoing violation of both the substantive and procedural requirements of the CWA, and the General Permit. These violations are ongoing and continuous. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the CWA, SPI is subject to penalties for violations of the Act since April 28, 2011.

### **A. SPI Discharges Storm Water Containing Pollutants in Violation of the General Permit’s Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations.**

SPI’s storm water sampling results provide conclusive evidence of Sierra Pacific Industries failure to comply with the General Permit’s discharge prohibitions, receiving water limitations and effluent limitations. Self-monitoring reports under the General Permit are deemed “conclusive evidence of an exceedance of a permit limitation.” *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

#### **1. Applicable Water Quality Standards**

The General Permit requires that storm water discharges and authorized non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance. 1997 General Permit, Discharge Prohibition A.2; 2015 General Permit, Discharge Prohibition III.C. The General Permit also prohibits discharges that violate any discharge prohibition contained in the applicable Regional Water Board’s Basin Plan or statewide water quality control plans and policies. 1997 General Permit, Receiving Water Limitation C.2; 2015 General Permit, Discharge Prohibition III.D. Furthermore, storm water discharges and authorized non-storm water discharges shall not adversely impact human health or the environment, and shall not cause or contribute to a violation of any water quality standards in any affected receiving water. 1997 General Permit, Receiving Water Limitations C.1, C.2; 2015 General Permit, Receiving Water Limitations VI.A, VI.B.

Dischargers are also required to prepare and submit documentation to the Regional Board upon determination that storm water discharges are in violation of the General Permit’s Receiving Water Limitations. 1997 General Permit, p. VII; 2015 General Permit, Special Condition XX.B. The documentation must describe changes the discharger will make to its current storm water best management practices (“BMPs”) in order to prevent or reduce any

pollutant in its storm water discharges that is causing or contributing to an exceedance of water quality standards. *Id.*

The California Toxics Rule (“CTR”) is an applicable water quality standard under the Permit, violation of which is a violation of Permit conditions. *Cal. Sportfishing Prot. Alliance v. Chico Scrap Metal, Inc.*, 2015 U.S. Dist. LEXIS 108314, \*21 (E.D. Cal. 2015). CTR establishes numeric receiving water limits for toxic pollutants in California surface waters. 40 C.F.R. § 131.38. The CTR establishes a numeric limit for at least one of the pollutants discharged by SPI: Zinc – 0.12 mg/L (maximum concentration).

The *Water Quality Control Plan, Fourth Edition (Revised August 2006)*, for the *Sacramento and San Joaquin River Basins* (“Basin Plan”) also sets forth water quality standards and prohibitions applicable to SPI’s storm water discharges. The Basin Plan identifies present and potential uses for the Sacramento River, which include municipal and domestic water supply, hydropower generation, agricultural supply, industrial service supply, navigation, wildlife habitat, warm freshwater habitat, cold freshwater habitat, warm and cold spawning, and contact and non-contact water recreation.

## **2. Applicable Effluent Limitations**

Dischargers are required to reduce or prevent pollutants in their storm water discharges through implementation of best available technology economically achievable (“BAT”) for toxic and nonconventional pollutants and best conventional pollutant control technology (“BCT”) for conventional pollutants. 1997 General Permit, Effluent Limitation B.3; 2015 General Permit, Effluent Limitation V.A. Conventional pollutants include Total Suspended Solids, Oil & Grease, pH, Biochemical Oxygen Demand and Fecal Coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. 40 C.F.R. §§ 401.15-16.

Under the General Permit, benchmark levels established by the EPA (“EPA benchmarks”) serve as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite BAT and BCT. *Santa Monica Baykeeper v. Kramer Metals*, 619 F.Supp.2d 914, 920, 923 (C.D. Cal 2009); 1997 General Permit, Effluent Limitations B.5-6; 2015 General Permit, Exceedance Response Action XII.A.

The following EPA benchmarks have been established for pollutants discharged by SPI: Total Suspended Solids – 100 mg/L; Zinc – 0.117 mg/L; Aluminum – 0.75 mg/L; Chemical Oxygen Demand – 120 mg/L; and Oil & Grease – 15.0 mg/L.

## **3. Sierra Pacific Industries’ Storm Water Sample Results**

The following discharges of pollutants from the Facility have violated the discharge prohibitions, receiving water limitations, and effluent limitations of the permit.

### **a. Discharge of Storm Water Containing Total Suspended Solids**

**(TSS) at Concentrations in Excess of Applicable EPA  
Benchmark Value**

<b>Date</b>	<b>Discharge Point</b>	<b>Parameter</b>	<b>Concentration in Discharge (mg/L)</b>	<b>EPA Benchmark Value (mg/L)</b>
1/29/2016	Outfall B	TSS	213	100
1/9/2016	Outfall B	TSS	129	100
12/18/2015	Outfall B	TSS	259	100
12/3/2015	Outfall B	TSS	194	100
10/31/2014	Outfall B	TSS	200	100
11/19/2013	Outfall B	TSS	165	100
11/19/2013	Outfall C	TSS	312	100
11/28/2012	Outfall B	TSS	256	100
3/13/2012	Outfall B	TSS	243	100

**b. Discharges of Storm Water Containing Zinc (Zn) at  
Concentrations in Excess of Applicable EPA Benchmark and  
CTR Values**

<b>Date</b>	<b>Discharge Point</b>	<b>Parameter</b>	<b>Concentration in Discharge (mg/L)</b>	<b>EPA Benchmark Value (mg/L)</b>	<b>CTR Criteria (mg/L)</b>
1/9/2016	Outfall C	Zn	0.188	0.117	0.12
1/9/2016	Outfall D	Zn	0.764	0.117	0.12
1/9/2016	Outfall E	Zn	0.306	0.117	0.12
1/4/2016	Outfall C	Zn	0.284	0.117	0.12
1/4/2016	Outfall D	Zn	0.713	0.117	0.12
12/21/2015	Outfall A	Zn	0.119	0.117	0.12
12/18/2015	Outfall C	Zn	0.134	0.117	0.12
12/18/2015	Outfall D	Zn	0.387	0.117	0.12
12/9/2015	Outfall E	Zn	0.623	0.117	0.12
12/3/2015	Outfall C	Zn	0.276	0.117	0.12
12/3/2015	Outfall D	Zn	0.582	0.117	0.12
12/3/2015	Outfall E	Zn	0.657	0.117	0.12
11/19/2014	Outfall D	Zn	1.23	0.117	0.12
11/19/2014	Outfall C	Zn	0.402	0.117	0.12
11/13/2014	Outfall B	Zn	0.201	0.117	0.12
10/31/2014	Outfall E	Zn	0.49	0.117	0.12
10/23/2014	Outfall D	Zn	1.11	0.117	0.12
10/23/2014	Outfall C	Zn	0.369	0.117	0.12
10/23/2014	Outfall E	Zn	1.26	0.117	0.12
2/6/2014	Outfall C	Zn	0.498	0.117	0.12
2/6/2014	Outfall D	Zn	1.69	0.117	0.12

2/6/2014	Outfall E	Zn	1.85	0.117	0.12
11/19/2013	Outfall C	Zn	0.54	0.117	0.12
11/19/2013	Outfall D	Zn	0.983	0.117	0.12
11/19/2013	Outfall E	Zn	2.44	0.117	0.12
4/4/2013	Outfall D	Zn	0.877	0.117	0.12
12/28/2012	Outfall D	Zn	0.897	0.117	0.12
11/28/2012	Outfall E	Zn	0.698	0.117	0.12
3/13/2012	Outfall C	Zn	0.302	0.117	0.12
3/13/2012	Outfall D	Zn	1.99	0.117	0.12
3/13/2012	Outfall E	Zn	1.31	0.117	0.12
1/19/2012	Outfall C	Zn	0.272	0.117	0.12
1/19/2012	Outfall D	Zn	1.97	0.117	0.12
1/19/2012	Outfall E	Zn	1.46	0.117	0.12

**c. Discharges of Storm Water Containing Chemical Oxygen Demand (COD) at Concentrations in Excess of Applicable EPA Benchmark Value**

Date	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
11/19/2013	Outfall B	COD	148	120
11/8/2012	Outfall C	COD	247	120

**d. Discharges of Storm Water Containing Aluminum (Al) at Concentrations in Excess of Applicable EPA Benchmark Value**

Date	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
1/29/2016	Outfall B	Al	11.2	0.75
1/9/2016	Outfall B	Al	7.26	0.75
1/9/2016	Outfall C	Al	1.95	0.75
1/4/2016	Outfall C	Al	2.96	0.75
12/18/2015	Outfall B	Al	10.5	0.75
12/18/2015	Outfall C	Al	3.28	0.75
12/3/2015	Outfall C	Al	5.16	0.75
12/3/2015	Outfall B	Al	9.72	0.75

**e. Discharges of Storm Water Exceeding the Basin Plan Standards for pH**

Date	Discharge Point	Parameter	Concentration in Discharge (pH units)	Basin Plan (pH units)
11/28/2012	Outfall E	pH	6.15	6.5 – 8.5



11/8/2012	Outfall C	pH	6.29	6.5 – 8.5
11/1/2012	Outfall E	pH	6.29	6.5 – 8.5

**f. SPI's Sample Results Are Evidence of Violations of the General Permit**

SPI's sample results demonstrate violations of the General Permit's discharge prohibitions, receiving water limitations, and effluent limitations set forth above. The Alliance is informed and believes that the SPI has known that its storm water contains pollutants at levels exceeding General Permit standards since at least April 28, 2011.

The Alliance alleges that such violations occur each time storm water discharges from the Facility. Attachment A hereto, sets forth the specific rain dates on which the Alliance alleges that SPI has discharged storm water containing impermissible levels of TSS, Zn, Al, and COD in violation of the General Permit. 1997 General Permit, Discharge Prohibition A.2, Receiving Water Limitations C.1 and C.2; 2015 General Permit, Discharge Prohibitions III.C and III.D, Receiving Water Limitations VI.A, VI.B.

**4. SPI Has Failed to Implement BAT and BCT**

Dischargers must implement BMPs that fulfill the BAT/BCT requirements of the CWA and the General Permit to reduce or prevent discharges of pollutants in their storm water discharges. 1997 General Permit, Effluent Limitation B.3; 2015 General Permit, Effluent Limitation V.A. To meet the BAT/BCT standard, dischargers must implement minimum BMPs and any advanced BMPs set forth in the General Permit's SWPPP Requirements provisions where necessary to reduce or prevent pollutants in discharges. *See* 1997 General Permit, Sections A.8.a-b; 2015 General Permit, Sections X.H.1-2.

SPI has failed to implement the minimum BMPs required by the General Permit, including: good housekeeping requirements; preventive maintenance requirements; spill and leak prevention and response requirements; material handling and waste management requirements; erosion and sediment controls; employee training and quality assurance; and record keeping. 1997 General Permit, Sections A.8.a(i-x); 2015 General Permit, Sections X.H.1(a-g).

SPI has further failed to implement advanced BMPs necessary to reduce or prevent discharges of pollutants in its storm water sufficient to meet the BAT/BCT standards, including: exposure minimization BMPs; containment and discharge reduction BMPs; treatment control BMPs; or other advanced BMPs necessary to comply with the General Permit's effluent limitations. 1997 General Permit, Section A.8.b; 2015 General Permit, Sections X.H.2.

Each day the Owners/Operators have failed to develop and implement BAT and BCT at the Facility in violation of the General Permit is a separate and distinct violation of Section 301(a) of the CWA (33 U.S.C. § 1311(a)). The violations described above were at all times in violation of Section A of the 1997 General Permit, and Section X of the 2015 General Permit.



Accordingly, the Owners/Operators have been in violation of the BAT and BCT requirements at the Facility every day since at least April 28, 2011.

#### **5. SPI Has Failed to Develop and Implement an Adequate Storm Water Pollution Plan**

The General Permit requires dischargers to develop and implement a site-specific SWPPP. 1997 General Permit, Section A.1; 2015 General Permit, Section X.A. The SWPPP must include, among other elements: (1) the facility name and contact information; (2) a site map; (3) a list of industrial materials; (4) a description of potential pollution sources; (5) an assessment of potential pollutant sources; (6) minimum BMPs; (7) advanced BMPs, if applicable; (8) a monitoring implementation plan; (9) annual comprehensive facility compliance evaluation; and (10) the date that the SWPPP was initially prepared and the date of each SWPPP amendment, if applicable. *See id.*

Dischargers must revise their SWPPP whenever necessary and certify and submit via the Regional Board's Storm Water Multiple Application and Report Tracking System ("SMARTS") their SWPPP within 30 days whenever the SWPPP contains significant revisions(s); and, certify and submit via SMARTS for any non-significant revisions not more than once every three (3) months in the reporting year. 2015 General Permit, Section X.B; see also 1997 General permit, Section A.

The Alliance's investigation indicates that SPI has been operating with an inadequately developed or implemented SWPPP in violation of General Permit requirements. SPI has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary, resulting in the Facility's numerous effluent limitation violations.

Each day the Owners/Operators failed to develop and implement an adequate SWPPP is a violation of the General Permit. The SWPPP violations described above were at all times in violation of Section A of the 1997 General Permit, and Section X of the 2015 General Permit. The Owners/Operators have been in violation of these requirements at the Facility every day since at least April 7, 2011.

### **III. Persons Responsible for the Violations**

The Alliance puts SPI on notice that it is the entity responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, the Alliance puts SPI on formal notice that it intends to include those persons in this action.

### **IV. Name and Address of Noticing Party**

The name, address, and telephone number of the noticing party is as follows:

Marily Woodhouse, Director  
Battle Creek Alliance  
P.O. Box 225  
Montgomery Creek, CA 96065  
(530) 474-5803  
[www.thebattlecreekalliance.org](http://www.thebattlecreekalliance.org)

**V. Counsel**

The Alliance has retained legal counsel to represent it in this matter. Please direct all communications to:

Andrew L. Packard  
Megan E. Truxillo  
William N. Carlon  
Law Offices Of Andrew L. Packard  
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**VI. Conclusion**

The Alliance believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. We intend to file a citizen suit under Section 505(a) of the CWA against Sierra Pacific Industries, Inc., and its agents for the above-referenced violations upon the expiration of the 60-day notice period. If you wish to pursue remedies in the absence of litigation, we suggest that you initiate those discussions within the next twenty (20) days so that they may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



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Andrew L. Packard  
Law Offices of Andrew L. Packard  
Counsel for Battle Creek Alliance

**SERVICE LIST**

**VIA CERTIFIED MAIL**

Gina McCarthy, Administrator  
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Thomas Howard, Executive Director  
State Water Resources Control Board  
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Pamela Creedon, Executive Officer  
Central Valley Regional Water Quality  
Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670



**ATTACHMENT A**  
**Notice of Intent to File Suit, SPI (Red Bluff, CA)**  
**Significant Rain Events,\***  
**April 29, 2011 – April 29, 2016**

May	8	2011	Mar.	14	2012	Dec.	23	2012
May	15	2011	Mar.	15	2012	Dec.	24	2012
May	16	2011	Mar.	16	2012	Dec.	25	2012
May	17	2011	Mar.	24	2012	Dec.	26	2012
May	18	2011	Mar.	25	2012	Dec.	29	2012
May	25	2011	Mar.	26	2012	Jan.	5	2013
May	26	2011	Mar.	27	2012	Jan.	6	2013
May	29	2011	Mar.	28	2012	Jan.	23	2013
Jun.	4	2011	Mar.	31	2012	Jan.	24	2013
Jun.	5	2011	Apr.	1	2012	Feb.	8	2013
Jun.	28	2011	Apr.	10	2012	Feb.	19	2013
Jun.	29	2011	Apr.	11	2012	Feb.	20	2013
Oct.	4	2011	Apr.	12	2012	Mar.	5	2013
Oct.	5	2011	Apr.	13	2012	Mar.	6	2013
Oct.	6	2011	Apr.	14	2012	Mar.	20	2013
Oct.	10	2011	May	3	2012	Mar.	31	2013
Oct.	11	2011	May	4	2012	Apr.	4	2013
Nov.	3	2011	Jun.	4	2012	Apr.	5	2013
Nov.	4	2011	Jun.	5	2012	May	17	2013
Nov.	19	2011	Oct.	22	2012	May	28	2013
Nov.	20	2011	Oct.	31	2012	Jun.	25	2013
Nov.	23	2011	Nov.	8	2012	Jun.	26	2013
Nov.	24	2011	Nov.	16	2012	Sep.	21	2013
Jan.	19	2012	Nov.	17	2012	Sep.	22	2013
Jan.	20	2012	Nov.	20	2012	Nov.	19	2013
Jan.	21	2012	Nov.	28	2012	Nov.	20	2013
Jan.	22	2012	Nov.	29	2012	Nov.	21	2013
Jan.	23	2012	Nov.	30	2012	Dec.	6	2013
Jan.	25	2012	Dec.	1	2012	Dec.	7	2013
Jan.	26	2012	Dec.	2	2012	Feb.	6	2014
Jan.	27	2012	Dec.	4	2012	Feb.	7	2014
Feb.	7	2012	Dec.	5	2012	Feb.	8	2014
Feb.	8	2012	Dec.	15	2012	Feb.	9	2014
Feb.	12	2012	Dec.	16	2012	Feb.	10	2014
Feb.	13	2012	Dec.	17	2012	Feb.	12	2014
Feb.	28	2012	Dec.	20	2012	Feb.	13	2014
Feb.	29	2012	Dec.	21	2012	Feb.	26	2014
Mar.	13	2012	Dec.	22	2012	Feb.	27	2014

\* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.

Feb.	28	2014	Nov.	22	2014	Sep.	16	2015
Mar.	1	2014	Nov.	28	2014	Oct.	18	2015
Mar.	3	2014	Nov.	29	2014	Oct.	19	2015
Mar.	4	2014	Nov.	30	2014	Nov.	1	2015
Mar.	5	2014	Dec.	1	2014	Nov.	2	2015
Mar.	6	2014	Dec.	2	2014	Nov.	8	2015
Mar.	9	2014	Dec.	3	2014	Nov.	9	2015
Mar.	10	2014	Dec.	4	2014	Nov.	10	2015
Mar.	25	2014	Dec.	5	2014	Nov.	15	2015
Mar.	26	2014	Dec.	6	2014	Nov.	16	2015
Mar.	29	2014	Dec.	8	2014	Nov.	24	2015
Mar.	30	2014	Dec.	9	2014	Nov.	25	2015
Mar.	31	2014	Dec.	10	2014	Dec.	3	2015
Apr.	1	2014	Dec.	11	2014	Dec.	4	2015
Apr.	2	2014	Dec.	12	2014	Dec.	6	2015
Apr.	24	2014	Dec.	13	2014	Dec.	7	2015
Apr.	25	2014	Dec.	15	2014	Dec.	9	2015
Apr.	26	2014	Dec.	16	2014	Dec.	10	2015
May	5	2014	Dec.	17	2014	Dec.	13	2015
May	6	2014	Dec.	18	2014	Dec.	14	2015
May	7	2014	Dec.	19	2014	Dec.	18	2015
May	19	2014	Dec.	20	2014	Dec.	19	2015
May	20	2014	Dec.	21	2014	Dec.	20	2015
Aug	5	2014	Feb.	2	2015	Dec.	21	2015
Sep.	24	2014	Feb.	3	2015	Dec.	22	2015
Sep.	25	2014	Feb.	6	2015	Jan.	4	2016
Sep.	26	2014	Feb.	7	2015	Jan.	5	2016
Oct.	15	2014	Feb.	8	2015	Jan.	6	2016
Oct.	23	2014	Feb.	9	2015	Jan.	7	2016
Oct.	24	2014	Mar.	16	2015	Jan.	9	2016
Oct.	25	2014	Mar.	22	2015	Jan.	13	2016
Oct.	31	2014	Mar.	23	2015	Jan.	14	2016
Nov.	1	2014	Apr.	7	2015	Jan.	15	2016
Nov.	2	2014	Apr.	8	2015	Jan.	16	2016
Nov.	13	2014	Apr.	25	2015	Jan.	17	2016
Nov.	19	2014	May	11	2015	Jan.	18	2016
Nov.	20	2014	May	20	2015	Jan.	19	2016
Nov.	21	2014	Sep.	15	2015	Jan.	20	2016

Jan.	21	2016
Jan.	22	2016
Jan.	23	2016
Jan.	24	2016
Jan.	25	2016
Jan.	29	2016
Jan.	30	2016
Feb.	17	2016
Feb.	18	2016
Feb.	19	2016
Feb.	20	2016
Mar.	3	2016
Mar.	4	2016
Mar.	5	2016
Mar.	6	2016
Mar.	7	2016
Mar.	9	2016
Mar.	10	2016
Mar.	11	2016
Mar.	12	2016
Mar.	13	2016
Mar.	20	2016
Mar.	21	2016
Mar.	22	2016
Apr.	9	2016
Apr.	10	2016
Apr.	12	2016
Apr.	13	2016